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PATENT TRADEMARK OFFICE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Michael J. Hawthorne
U.S. Serial No.: 10/751,945 Art Unit: 3661
Filed: January 7, 2004 Examiner: Arthur Jeanglaude, Gertrude
For: METHOD AND APPARATUS OF MONITORING A RAILROAD HUMP YARD

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AUG 04 2004

In response to the official Office Action dated May 11, 2004, Applicant makes the following comments:

Claim 1 is directed to a portable remote control locomotive device including an operator input for generating locomotive commands, a transceiver for transmitting the locomotive commands to a locomotive, and a display. A data base of at least a track profile is stored on the device, and a program on the device determines and drives the display to show the location of the locomotive on the track.

As noted in the rejection, Horst et al. (US 6,658,331) shows a remote control unit for a locomotive including a display module for displaying command information. As quoted in the rejection, Horst et al. '331 does not show "a program (506) on the device for determining and driving the display to show the location of the locomotive on the track." The same is true for all of the dependent claims where the rejection indicates that the program (506) is capable of determining and driving the display to show the location or forces on the train and that the program drives the display to show the location of other transmitters. Merely indicating the new program can be modified for implementing an alternative display screen does not indicate what the display screen is.

Horst et al. '331 provides the control information being implemented on the locomotive by the remote control unit. There is no indication or teaching to display the location of the train on the track.

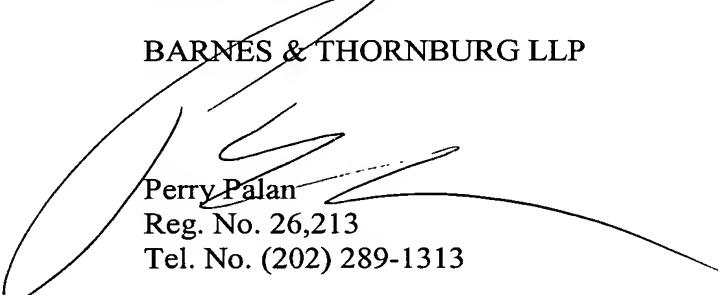
Hawthorne (US 6,263,266) does show the display of the train on the track, as well as forces throughout the train. The purpose of this patent, as indicated by its title, is to teach a method of optimizing train operation and training. It is not obvious that optimization of train

operation can be used on a portable device for the purpose of safety. Although generally all of the elements may be shown by the references of record, there is no teaching to bring them together, as required by the presently claimed invention. Thus, the claims of the present application are considered allowable over the art of record and passage of this case to issue is respectfully solicited.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (509/39471D).

Respectfully submitted,

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